

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0148 – 1410 West Ben White Blvd.

P.C. DATE: September 23, 2008

C.C. DATE: October 23, 2008
November 6, 2008

ADDRESS: 1410 West Ben White Boulevard **AREA:** 0.41 acres

OWNER/APPLICANT: Cothron Partnership No. 2 LTD (Olen Cothron)

AGENT: The Austin Company (Peter von Wupperfeld)

ZONING FROM: GR

ZONING TO: CS

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request to rezone the subject property to CS-CO (Commercial Services – Conditional Overlay) zoning to allow the district zoning to conform to the existing uses. The conditional overlay will limit the allowable vehicle trips per day to 2000.

PLANNING COMMISSION RECOMMENDATION: Approved on consent, all 3 readings 9/23/2008 (8-0, Hui absent).

DEPARTMENT COMMENTS:

The property is currently developed with a truck rental business and zoned GR (Community Commercial) There are single family houses to the north and office, commercial and retail uses to the east and west. The property has frontage on Ben White Boulevard. The applicant would like to rezone the property to CS (Commercial Services) zoning to allow for equipment sales on the property.

ISSUES:

The South Lamar Neighborhood Association is currently in negotiation with the applicant to include prohibited uses on the property as an additional conditional overlay.

The auto repair in the rear of the property is a non-conforming use with the rental business in the front under the current GR (Community Commercial) zoning. The zoning change will allow the property to comply with its existing uses of equipment sales and truck rental with CS (Commercial Services) zoning.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

The staff is recommending a 2,000 trip limit to the base district zoning, which is incorporated into the ordinance.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Truck Rental
<i>North</i>	SF-3	Single Family
<i>South</i>	GR-V, CS-V	Restaurants, Automotives Repair, Commercial Services
<i>East</i>	CS	Tile Company, Plumbing Company
<i>West</i>	GR, CS-1	Auto Parts, Billiards

AREA STUDY: South Lamar Planning Area

TIA: Waived

WATERSHED: West Bouldin Creek Watershed

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
 Austin Neighborhoods Council
 Home Builders Association of Greater Austin
 Far South Austin Community Association
 Southwood Neighborhood Association
 North Southwood Neighborhood Association
 Barton Springs/Edwards Aquifer Conservation District
 South Lamar Neighborhood Association
 Austin Parks Foundation
 Onion Creek Homeowners Association

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-71-272 1401 Morgan Lane	From 'A' Residence, First Height and Area to 'O' Office, First Height and Area	N/A	9/23/76 APVD All 3 RDGS
C14-03-0088 1704 Fort View	From SF-3 to CS (Vehicle Storage)	7/15/03 APVD CS-CO (7-1, CH-NO)	9/25/03 APVD CS-CO (7-0) W/O REQUIRING ZAP REC OF R C , ALL 3 RDGS
C14P-75-054	Permit for Tire Storage	N/A	11/11/75 APVD Permit for Tire Storage

BASIS FOR RECOMMENDATION

1. *Granting of the request should result in an equal treatment of similarly situated properties, and the rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The property is surrounded by commercial services and community commercial zoning categories and is adjacent to a major highway

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property takes immediate access to the service road of a major US highway, where more intense uses are appropriate. CS zoning provides an appropriate use alongside this major thoroughfare.

EXISTING CONDITIONS

ENVIRONMENTAL

Impervious Cover

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Note: The most restrictive impervious cover limit applies.

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class, therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s f cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

TRANSPORTATION:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Ben White Blvd	350	MAD 6	Arterial	Yes; both sides	328	Priority 2

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Right of Way

No additional right-of-way is needed at this time

SITE PLAN

The site is subject to compatibility standards. Along the northern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted.

CITY COUNCIL DATE: October 23, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

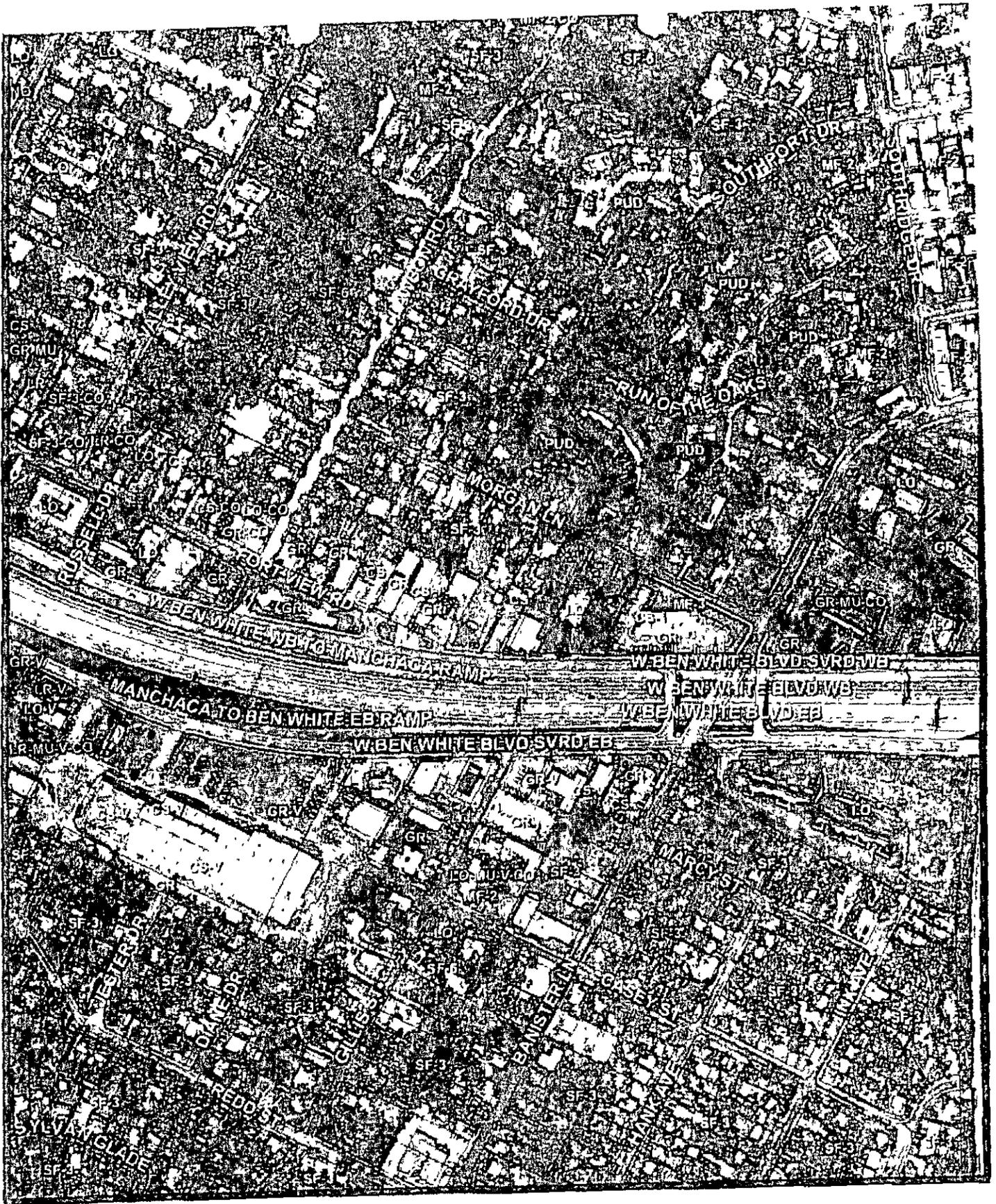
3rd

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604

stephen.rye@ci.austin.tx.us



C14-2008-0148 1410 West Ben White Boulevard
From GR (Community Commercial) to CS (Commercial Services)

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice

Case Number: C14-2008-0148

Contact: Stephen Rye, 512-974-7604

Public Hearing:

September 23, 2008 Planning Commission

Robert Pickens

Your Name (please print)

1606 Morgan Ln # B

Your address(es) affected by this application

Robert Pickens 9-18-08

Signature

Date

Comments: Per your own description,

the CS zone is generally
incompatible w/ traffic
service requirements for
residential areas. Why would
I then want it impacting
mine my neighborhood?
Obviously this would be for heavy
equipment sales to require a zoning
change - that is inconsistent w/
the neighborhood make-up.

If you use this form to comment, it may be returned to.

City of Austin

Neighborhood Planning and Zoning Department

Stephen Rye}

P. O. Box 1088

Austin, TX 78767-8810

I am in favor
 Object